



The Commonwealth of Massachusetts

DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

NOTICE OF PUBLIC HEARING AND REQUEST FOR COMMENTS

D.T.E. 06-38

May 4, 2006

Rulemaking by the Department of Telecommunications and Energy, on its own motion, to amend 220 C.M.R. §§ 151.00 et seq.: Rail Fixed Guideway System: Safety System Program Standard.

On April 28, 2006, the Department of Telecommunications and Energy ("Department") issued an Order instituting a rulemaking proceeding and adopting as emergency regulations 220 C.M.R. §§ 151.00 et seq.: Rail Fixed Guideway System: System Safety/Security Program Standard. These emergency regulations amended 220 C.M.R. §§ 151.00 et seq. to comply with revisions to Federal Transit Administration revised regulations at 49 C.F.R. 659: Rail Fixed Guideway Systems; State Safety Oversight. The matter was docketed as D.T.E. 06-38. The emergency regulations became effective on April 28, 2006. A copy of the Department's Order and regulations may be obtained at the Department's offices at the South Station address listed below. In addition, the Department has posted a copy of the Order and regulations on its website, at <http://www.mass.gov/dte>.

The Department will conduct a public hearing to receive comments on the emergency regulations. The hearing will take place on **Wednesday June 28, 2006, at 2:00 p.m.** at the Department's offices, One South Station - 2nd Floor, Boston, Massachusetts 02110. Any person who desires to comment may do so at the public hearing or submit written comments to the Department not later than the close of business (5:00 p.m.) on Monday June 26, 2006. One original and four (4) copies of written comments must be filed with Mary L. Cottrell, Secretary, Department of Telecommunications and Energy, One South Station, 2nd Floor, Boston, Massachusetts 02110.

All written comments also should be submitted to the Department in electronic format using one of the following methods: (1) by e-mail attachment to dte.efiling@state.ma.us and Jeanne.Voveris@state.ma.us or (2) on a 3.5" disk, IBM-compatible format. The text of the e-mail or the disk label must specify: (1) the docket number of the proceeding (D.T.E. 06-38), (2) name of the person or company submitting the filing, and (3) a brief descriptive title of the document. The electronic filing should also include the name, title and phone number of a person to contact in the event of questions about the filing. Text responses should be written

in either Corel Word Perfect (naming the document with a “.wpd” suffix), in Microsoft Word (naming the document with a “.doc” suffix), or as an Adobe PDF file (naming the document with a “.pdf” suffix). Data or spreadsheet responses should be compatible with Microsoft Excel. All written comments submitted in electronic format will be posted on the Department’s Website, <http://www.mass.gov/dte>.

By Order of the Department,

/s/

Mary L. Cottrell, Secretary